IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 7868 of 2005

Between:

P.Appa Rao, S/o.Somulu,
R/o.Gorle Veedhi, Salur, Vizianagaram District.

..... PETITIONER

AND

1 The Regional Manager,APSRTC, Vizianagaram.
2 The Dy.Chief Traffic Manager, APSRTC, Vizianagaram.
3 The Depot Manager, APSRTC, Salur,

Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus to set a side the order passed by the 3rd respondent in his proceedings No.01/2 (20)/95-SLR dt.23-4-96 and consequential order passed by the 2nd respondent in his proceedings No.PA/20(55)/96-DYCTM: VZM dt.24-4-96 and 1st respondent in his proceedings No.Peshi/20 (12)/97-RM: VZM dt.17-3-98 by declaring as illegal, arbitrary and violation of the principles of natural justice and further direct the respondent to add one annual increment to pay of the petitioner and pass such other and further orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.C.H.MURALI KRISHNA (Not present)

Counsel for the Respondent Nos.1 to 3: KUM.B.G.UMA DEVI

The Court at the stage of admission made the following:

ORDER:

Challenging the proceedings of the 3rd respondent/Depot Manager dated 23.04.1996, withholding the increment which next falls due for a period of two years which shall have the effect of postponing future increments, the present writ petition is filed.

On the allegations that the petitioner negligently and without taking any precautionary measures, caused an accident resulted in a death of a passenger, charge sheet was given, and for which, the petitioner gave explanation. The respondents felt that the explanation given by the petitioner was not satisfactory, regular departmental enquiry was ordered and conducted against him. After enquiry, the impugned order has been passed, and the review petition of the petitioner was also rejected.

None appears for the petitioner.

The only ground alleged in the petition that the respondents without conducting any departmental enquiry imposed major punishment.

The learned Counsel for the respondents contended that after conducting regular departmental enquiry, the punishment has been imposed. There is no averment in the petition that no reasonable opportunity was given to the petitioner and no regular departmental enquiry was conducted. But as seen from the impugned proceedings dated 23.04.1996, basing on the enquiry report and evidence available on record, the punishment was imposed. Therefore, it cannot be said that no enquiry was conducted against the writ petitioner before passing the impugned order.

The decision relied on by the petitioner reported in W.P.No.75343 of 2004, dated 22.04.2004 is not made applicable to this case because in that case regular departmental enquiry was not conducted, and after calling explanation from the petitioner therein, a major penalty was imposed. Therefore, the impugned order does not suffer from any incurable legal infirmities so as to call for interference by this Court. The writ petition is devoid of merit.

The Writ Petition is, accordingly, dismissed. No order as to costs.

Dated: 25.04.2005

Dsr

To:

1. The Regional Manager, APSRTC,

Vizianagaram

2. The Dy.Chief Traffic Manager, APSRTC,

Vizianagaram

3. The Depot Manager, APSRTC,

Salur, Vizianagaram District

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